IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18120 of 2004

Between:

1 Bantu Rambabu, S/o Rajarao,
R/o G. Medapadu (V), Samalkot Mandal, East Godavari District.
2 Bantu Raja Rao, S/o Suryanarayana,
R/o G. Medapadu (V), Samalkot Mandal, East Godavari District.

..... PETITIONERS

AND

1 Village Secretariat, rep. by its Panchayat Secretary,
G. Madapadu Village, Samalkot Mandal, E.G. District.
2 The Mandal Revenue Officer, Samalkot Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, especially one in the nature of Writ of mandamus declaring the action of the respondents in threatening to forcibly dispossess the petitioners herein from Ac. 0-02 cents along with tiled house bearing Door No. 2-85 and bounded by North: Raja Veedhi; South: House of Yarlagadda Veerraju; East: Raja Veedhi; West: Raja Veedhi as illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents herein not to dispossess the petitioners from Ac. 0-02 cents along with tiled house bearing Door No. 2-85 and bounded by North: Raja Veedhi; South: House of Yarlagadda Veerraju; East: Raja Veedhi; West: Raja Veedhi except by following due process of law

Counsel for the Petitioners: MR.E.V.V.S.RAVI KUMAR

Counsel for the Respondents 1 and 2: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioners have filed this writ petition only on mere apprehension that the respondents are resorting to cancel the possession certificates issued in their favour by the Mandal Revenue Officer, and that they will be dispossessed from the site, since they were asked to vacate the houses by 07.10.2004.

Inasmuch as no cause of action arises for consideration, the writ petition cannot be entertained on mere apprehension, and the same is accordingly dismissed. However, it is made clear that once the possession certificate is granted, the respondents are bound to follow the due procedure, and put the petitioners, on notice, before cancelling such certificates, already issued. There shall be no order as to costs.

_____

06-10-2004

ts

To

1 Village Secretariat, rep. by its Panchayat Secretary,
G. Madapadu Village, Samalkot Mandal, E.G. District.
2 Mandal Revenue Officer, Samalkot Mandal, East Godavari District.

3 2CCs to G.P. for Revenue, High Court buildings, Hyderabad.(OUT).

4. 2CD copies